

1 W. Gregory Lockwood, WSBA #52232  
2 Gordon & Rees, LLP  
3 1300 SW Fifth Ave., Suite 2000  
4 Portland, OR 97201  
5 Phone: (503) 382-3855  
6 Fax: (503) 616-3600  
7 [wglockwood@grsm.com](mailto:wglockwood@grsm.com)  
8 *Attorneys for Defendant Life Flight Network*

9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF WASHINGTON

11 JOHN KRILL,

12 Plaintiff,

13 v.

14 LIFE FLIGHT NETWORK LLC and JOHN  
15 DOE EMPLOYEES I – V of LIFE FLIGHT  
16 NETWORK, LLC

17 Defendants,

Case No. 2:22-cv-00057

**NOTICE OF REMOVAL**

18 Defendant Life Flight Network, LLC (“Life Flight”) hereby gives notice of the removal  
19 of this action, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446(a) to the United States District  
20 Court for the Eastern District of Washington. As grounds for removal, Life Flight states as  
21 follows:

**BASIS FOR REMOVAL**

22 Plaintiff commenced the above-captioned matter in Spokane County Superior Court,  
23 Washington by filing his Complaint for Personal Injuries in Tort (the “Complaint”) on March 10,  
24 2022. See Summons and Complaint, attached as Ex. 1. Life Flight was served with a copy of the  
25

1 Complaint on March 14, 2022. See Service Transmittal Form, attached as Ex. 2. This Notice of  
2 Removal is timely because Defendant is filing it within 30 days from the date of service. See 28  
3 U.S.C. § 1446(b). This Court has jurisdiction under 28 U.S.C. § 1332 because there is complete  
4 diversity and, based on the undersigned's reasonable belief, the amount in controversy is greater  
5 than \$75,000.00. See Declaration of W. Greg Lockwood in Support of the Notice of Removal at  
6 ¶¶ 2-5 ("Decl. Lockwood").

7  
8 **A. Diversity of Citizenship**

9 The Complaint states that Plaintiff *was* a resident of Spokane "at all times relevant and  
10 material to this Complaint." Complaint, Ex. 1 at ¶ 2.1. The Complaint does not disclose  
11 Plaintiff's current state of residence or of which state he is a citizen. Based on information and  
12 belief, in particular information received in a public records search, Mr. Krill is a citizen of the  
13 state of Wyoming. Decl. Lockwood at ¶ 2.

14 Defendant Life Flight a Limited Liability Company organized under the laws of the State  
15 of Oregon with its principal place of business located at 22285 Yellow Gate Lane NE, Suite 102,  
16 Aurora, Oregon 97002. See Corp. Disclosure Statement.

17 Plaintiff named several unknown or John Doe employees of Life Flight as defendants to  
18 his Complaint. For the purposes of diversity jurisdiction, "the citizenship of defendants sued  
19 under fictitious names shall be disregarded." 28 U.S.C. § 1411(b)(1).

20 Based on the foregoing, for the purposes of removal jurisdiction, Plaintiff is a citizen of  
21 Wyoming. See Kanter v. Warner-Lambert Co., 265 F.3d 853, 857 (9th Cir. 2001). Life Flight is  
22 not. 28 U.S.C. § 1332(c)(1). Therefore, the parties are completely diverse.  
23  
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**B. Amount in Controversy**

Plaintiff seeks damages arising out of his alleged personal injury, which occurred when he received an electrical shock on August 5, 2019. Plaintiff did not include a specific amount-in-controversy among his allegations. See Complaint, Ex. 1 ¶ 7.1-7.4. “[A] defendant’s notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold.” Dart Cherokee Basin Operating Co., LLC v. Owens, 135 S. Ct. 547, 554 (2014); see also, Ibarra v. Manheim Investments, Inc., 775 F.3d 1193, 1197–98 (9th Cir. 2015). Evidentiary submissions are not required with a notice of removal. Arias v. Residence Inn by Marriott, 936 F.3d 920, 922 (9th Cir. 2019). Rather, the removing party may rely on “a chain of reasoning that includes assumptions.” Ibara, 775 F.3d at 1199. “An assumption may be reasonable if it is founded on the allegations of the complaint.” Arias, 936 F.3d at 925. The amount-in-controversy alleged by a removing defendant “reflects the *maximum* recovery the plaintiff could reasonably recover” and “the jurisdictional threshold is not defeated merely because it is equally possible that damages might be less than the requisite amount.” Id. at 927 (quotations omitted, emphasis in original).

According to the Complaint, Plaintiff worked as a fire chief for Spokane County Fire District 10. Complaint, Ex. 1 ¶ 3.3. On August 5, 2019, was part of a team administering life saving measures to an unconscious person. Id. Plaintiff alleges that he received a shock when a Life Flight crew member activated the defibrillator while Plaintiff was still touching the patient. Id. at ¶ 3.7. The Complaint does not allege specific amount of damages sought; however, it does allege that Plaintiff suffered damages for “permanent and debilitating injuries,” past and future medical expenses, “out of pocket expenses and other special damages,” “past and future wage

1 loss and loss of future earning capacity,” “severe physical and mental pain,” “loss of capacity  
2 and ability to enjoy life,” and attorney’s fees. Id. at ¶¶ 7.1 – 7.4.

3 Based on these allegations, Plaintiff could reasonably recover damages in excess of the  
4 diversity threshold based any one of the several categories of damages he claims. Past and future  
5 medical expense alone could account for more than \$75,000.00 in claimed damages. Decl.  
6 Lockwood at ¶¶ 3-4. Plaintiff alleges he worked as a Fire Chief at the time of the injuries.  
7 Complaint, Ex. 1 at ¶ 3.3. According to a recent posting for that position, the annual salary  
8 exceeds \$200,000 for that position. See Western Fire Chiefs Association, Spokane Valley Fire  
9 Department – Fire Chief Position, available at: [https://recruitment.wfca.com/closed-](https://recruitment.wfca.com/closed-recruitments/spokane-valley-fire-department-fire-chief-position-2/)  
10 [recruitments/spokane-valley-fire-department-fire-chief-position-2/](https://recruitment.wfca.com/closed-recruitments/spokane-valley-fire-department-fire-chief-position-2/) (last accessed Apr. 4, 2022).  
11 Plaintiff alleged lost wages and loss of future earning capacity could also eclipse the \$75,000  
12 threshold, based on Plaintiff’s allegation that he held a senior position in the fire department and  
13 is no longer able to work at the same level. See Id.; see also Complaint, Ex. 1 at ¶ 3.3, 7.1(d).  
14 The Complaint does not provide details on Plaintiff’s claimed injuries; however, it does refer to  
15 them as both permanent and debilitating. Complaint, Ex. 1 at ¶ 7.1(a). If, true, Plaintiff’s  
16 maximum recover for pain, suffering and loss of capacity to enjoy life could easily exceed the  
17 diversity threshold. See Id. at ¶ 7.1(e)(f); Decl. Lockwood at ¶ 4. When aggregated together,  
18 Plaintiff has alleged damages in excess of \$75,000.00. Thus, this case meets the amount in  
19 controversy requirement. Id. at ¶ 5.

### 22 **C. Jurisdiction and Venue**

23 As stated above, jurisdiction is proper based on diversity of citizenship pursuant to 28  
24 U.S.C. § 1332(a). Venue is proper pursuant to 28 U.S.C. §§ 128(b) and 1441(a) because Spokane  
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1 County Superior Court is located within this district. Pursuant to 28 U.S.C. § 1446(d), a copy of  
2 this Notice of Removal is being served on counsel for Plaintiff and a copy is being filed with the  
3 Clerk of Court for Spokane County, the county in which the state action is pending.

4 **D. Attachments**

5 All pleadings, process, orders, and other filings in the state court action are attached to  
6 this Notice as required by 28 U.S.C. §1446(a). All such documents are fully incorporated by  
7 reference as if fully set forth herein.  
8

9 **CONCLUSION**

10 For all the foregoing reasons, Life Flight hereby removes this action from the Spokane  
11 County Superior Court to this Court.

12 Respectfully Submitted,

13 Dated: April 4, 2022.

14 GORDON REES SCULLY MANSUKHAN

15  
16 By: /s/W. Gregory Lockwood  
17 W. Gregory Lockwood, WSBA No. 52232  
18 [wglockwood@grsm.com](mailto:wglockwood@grsm.com)  
19 Attorneys for Defendant  
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